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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,499

11/25/2003

Keith Rosiello

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48329

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EXAMINER

SORKIN, DAVID L

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,499

Applicant(s)

ROSIELLO ET AL.

Examiner

David L. Sorkin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 32-48 is/are pending in the application.
- 4a) Of the above claim(s) 39-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Replacement drawing sheets adding the legend "Prior Art" were received 10 February 2006, but are objected to for two reasons. First, the words "Prior Art" are at the top edge of the page, making the margins improper. Second, all text must be oriented in the same direction. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Failure to Comply with 37 CFR 1.121(c)

2. The text of cancelled claims (such as claims 31) must not appear in a claim listing.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 11, 13-18, 24-29 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Drucker (US 3,675,846). Regarding claims 1, 13 and 24, Drucker

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('846) discloses a bag (81) (as well as a centrifuge comprising the bag) having a central opening which includes an integrally formed first mating portion mating with a corresponding second mating portion (55a,55b) of a hub (55) (see Fig. 3). Regarding claims 2, 14 and 25, the first mating portion comprises an integrally molded radial barrier (see Fig. 3, near 55b). Regarding claim 3,15, and 26, the first mating portion comprises one or more recesses (see Fig. 3). Regarding claim 4, 16, and 27 the first mating portion comprises one or more raised areas (see Fig. 3). Regarding claims 5, 17 and 28, the radial barrier comprises a circumferential ring of raised material (see Fig. 3). Regarding claim 6, 18 and 29, the radial barrier comprises a circumferential recess (see Fig. 3). Regarding claim 11, the manner in which the bag is intended to be used is not germane to the patentability of the bag. Regarding claim 34, Drucker ('846) discloses a method of sealing a centrifuge bag to a hub comprising providing a bag (81), for use in centrifugal processing, wherein the bag comprises a substantially circular enclosure having an opening; and providing a hub (55) having a second mating portion (55a, 55b) corresponding to the first mating portion; placing the hub within the opening; and mating the first mating portion with the second mating portion (see Fig. 3; col. 2, lines 49-60).

5. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mercier (US 4,610,369). Regarding claims 1 and 13, Mercier ('369) discloses a bag (33) comprising a substantially circular enclosure having a central opening, wherein the central opening includes an integrally formed first mating portion (39) mating with a corresponding second mating portion of a hub (27). Regarding claims 2 and 14, the first

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mating portion comprises an integrally molded radial barrier (see Fig. 2, 3, 5 and 6).

Regarding claims 3, 9, 15 and 21, the first mating portion comprises one or more recesses formed adjacent the opening (see Fig. 2, 3, 5 and 6). Regarding claims 4, 10, 16 and 22, the first mating portion comprises one or more raised areas formed adjacent the opening (see Fig. 2, 3, 5 and 6). Regarding claims 5 and 17, the radial barrier comprises a circumferential ring of raised material (see Fig. 2, 3, 5 and 6). Regarding claims 6 and 18, the radial barrier comprises a circumferential recess (see Fig. 2, 3, 5 and 6). Regarding claims 7 and 19, the bag includes a first side and second side, each side having a respective opening (see Fig. 2, 3, 5 and 6). Regarding claims 8 and 20, each side includes a first mating portion (see Fig. 2, 3, 5 and 6). Regarding claim 11, the manner in which the bag is intended to be used is not germane to the patentability of the bag. Regarding claims 12 and 23, the bag further comprises at least one weld ring having a central opening for receiving a first side of the hub and a surface positioned adjacent the first side of the bag proximate the opening of the first side (see Fig. 3).

6. Claims 1-29 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Jorgensen et al. (US 2002/0107131). Regarding claims 1,13 and 24, Jorgensen ('131) discloses a bag (10, 50, 94, or 96) (as well as a centrifuge comprising the bag) comprising a substantially circular enclosure having a central opening (such as 11 or 51), wherein the central opening includes an integrally formed first mating portion mating with a corresponding second mating portion of a hub (20,60,104). See [0043]. Regarding claims 2, 14, and 25, the first mating portion comprises an integrally molded

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radial barrier (see especially Fig. 1). Regarding claims 3, 9, 15, 21, and 26, the first mating portion comprises one or more recesses formed adjacent the opening (see especially Fig. 1). Regarding claims 4, 10, 16, 22 and 27 the first mating portion comprises one or more raised areas formed adjacent the opening (see especially Fig. 1). Regarding claims 5, 17 and 28, the radial barrier comprises a circumferential ring of raised material (see especially Fig. 1). Regarding claims 6, 18 and 29, the radial barrier comprises a circumferential recess (see especially Fig. 1). Regarding claims 7 and 19, the bag includes a first side and second side, each side having a respective opening (see Fig. 1, 3, 7 and 11). Regarding claims 8 and 20, each side includes a first mating portion (see Fig. 1, 3, 7 and 11). Regarding claim 11, the manner in which the bag is intended to be used is not germane to the patentability of the bag. Regarding claims 12 and 23, the bag further comprises at least one weld ring (30, 40, 70, 80, 100 or 102) having a central opening for receiving a first side of the hub and a surface positioned adjacent the first side of the bag proximate the opening of the first side. Regarding claim 34, Jorgensen ('131) discloses a method of sealing a centrifuge bag to a hub comprising providing a bag (10, 50, 94 or 96) for use in centrifugal processing, wherein the bag comprises a substantially circular enclosure having a central opening (such as 11 or 51), wherein the central opening has a first mating portion (see Fig. 1); and providing a hub (20, 60 or 104) having a second portion corresponding to the first mating portion; placing the hub with in the opening; and mating the first mating portion with the second mating portion (see [0043], [0050], Figs. 1-8 and 11).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgensen et al. (US 2002/0107131). The method of Jorgensen was discussed above with regard to claim 34. While the verb "welding" is not expressly used by the reference, "weld rings" are extensively discussed (see [0047] and [0050]). The discussion of "weld rings" would have suggested welding, either with heat or with solvent, to one of ordinary skill in the art.

9. Claims 30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgensen et al. (US 2002/0107131) in view of Schlutz (US 3,982,691). Jorgensen ('131) discloses a method of sealing a centrifuge bag to a hub comprising providing a bag (10, 50, 94 or 96) for use in centrifugal processing, wherein the bag comprises a substantially circular enclosure having a central opening (such as 11 or 51), wherein the central opening has a first mating portion (see Fig. 1); and providing a hub (20, 60 or 104) having a second portion corresponding to the first mating portion; placing the hub with in the opening; and mating the first mating portion with the second mating portion (see [0043], [0050], Figs. 1-8 and 11). Use of adhesive is not explicitly disclosed. Schlutz ('691) teaches joining components of a centrifuge bag assembly using adhesive (see col. 12, lines 1-9). It would have been obvious to one of ordinary skill in the art to

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have joined the portions of Jorgensen ('131) using adhesive, because, since Jorgensen ('131) explains that joining is required but does not detail exactly how, one would look to prior art methods of joining such as those of Schlutz ('691), col. 12, lines 1-9.

Response to Arguments

10. Contrary to applicant's remarks Drucker ('846) discloses a bag (81) having integrally formed first mating portion (55a, 55b).

11. While Mercier ('369) may not use the word "bag" to characterize his invention, there is no structural difference between the structure Mercier ('369) disclose and what is claimed in the instant claims.

12. With respect to US 2002/0107131, applicant discusses the engineering experience of the instant inventor, but does not refer to specific claim limitations.

Conclusion


13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David L. Sorkin
Primary Examiner
Art Unit 1723

DLS